



State Council on Developmental Disabilities
[Also posted at www.scdd.ca.gov]

Legislative Committee

DATE: Tuesday, March 10, 2009

TIME: 10:00 A.M. – 3:00 P.M. *

(*Ending Time for this meeting is an approximation only and is intended solely for the purpose of travel planning.)

PLACE: California State Capitol, Room 115
Sacramento, CA 95814*

(Room subject to change. In the event of a room change, meeting will be held at the State Council Headquarters Office, 1507 21st Street, Suite 210, Sacramento, CA 95811)

CONTACT: Council Phone (916) 322-8481; Council Fax (916) 443-4957

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Agenda

Items may be taken out of order to ensure appropriate flow of the meeting.

- 1. CALL TO ORDER** (R. Knott)
- 2. ESTABLISHMENT OF A QUORUM** (R. Knott)
- 3. MESSAGE FROM THE CHAIR** (R. Knott)
- 4. EXECUTIVE DIRECTOR UPDATE** (A. Kerzin)
- 5. COMMITTEE MEMBER ANNOUNCEMENTS**

6. PUBLIC COMMENTS

Public Comments: *[This section is for members of the public only; and is to provide the public an opportunity to comment and/or present information to the Committee on any matter that is not on the agenda. Each public member will be afforded up to three minutes to speak. Written requests, if any, will be considered first under this section. Additionally, the Committee will provide a public comment period not to exceed 5 minutes total for all public comments prior to Committee action on each agenda item.]*

7. ACTION/DISCUSSION ITEMS:

- | | | | |
|----|----------------------------------|-------------------------|---------------|
| A. | Approval of January 2009 Minutes | (R. Knott) | Yellow |
| B. | California Legislation | (R. Knott/S. Hargrove) | Blue |
| C. | Council Employment Legislation | (A. Kerzin) | Pink |
| D. | California Budget Update | (R. Knott/S. Hargrove) | Green |
| E. | Federal Policy Update | (A. Kerzin) | Purple |
| F. | Policy Sub-Committee Update | (Sub-Committee Members) | Tan |

8. PRESENTATION

"Preparing for a Legislative Visit"

Salmon

Myesha Jackson, Policy Consultant, Office of Senate President Pro Tem
Darrell Steinberg (invited) & Margaret Pena, Legislative Director, Office of
Assemblyman Marty Block (invited)

LUNCH**9. ADJOURNMENT**

(R. Knott)

10. LEGISLATIVE VISITS

(Full Committee)

Next meeting - Tuesday, April 14, 2009.



Agenda Item: 7.A
Date: March 10, 2009
Meeting: Legislative Committee

Legislative Committee Minutes

DATE: Tuesday, January 27, 2009
TIME: 10:00 am – 3:00 pm
PLACE: State Council Headquarters Office
1507 21st Street, Suite 210
Sacramento, CA 95811

Present:

Randi Knott, Chair
ThoVinh Banh
Ray Ceragioli
Lisa Cooley
Kraig (Max) Duley
Jorge Aguilar
Marcia Good
Jennifer Allen
Leroy Shipp

SCDD Staff:

Alan Kerzin, Executive Director
Michael Januse
September Hargrove

Guest:

Margaret Shipp

Chair Randi Knott called the meeting to order at 10:05 AM and a quorum was established.

MESSAGE FROM THE CHAIR-

Randi Knott welcomed committee members and reviewed the outcomes of the December 2008 Legislative Committee meeting. R. Knott announced that the Committees priorities remain advocating for the State Budget and that the Committee had several visits scheduled with the Republican Leadership at the end of the week. R. Knott requested that staff update that budget talking points and redistribute them to the Committee, Council and Area Boards.

R. Knott discussed the depth of the proposed budget cuts and passed out an article from the Los Angeles Times, "Legislators signal \$6 billion in budget cuts." R. Knott explained the devastating impact that the proposed cuts would have on the developmental disabilities system. R. Knott

suggested that the State should consider budget alternatives such as having insurance companies provide services to individuals with Autism. R. Knott explained that other states such as Arizona and Minnesota have already implemented this.

R. Knott announced that she would be appointing Committee members to serve on a Sub-Committee to develop policy priority areas and bring their recommendations back to the full Committee.

COMMITTEE MEMBER INTRODUCTIONS/ANNOUNCEMENTS-

Committee members each introduce themselves and explain their interest for serving on the Legislative Committee.

Alan Kerzin, Council Executive Director, provided the Committee with an update on the proposals within the federal stimulus package that will benefit persons with developmental disabilities. A. Kerzin distributed four hand outs to the Committee: Disability Policy Collaboration Legislative Agenda for the 111th Congress, NACDD Memo on House Economic Recovery Bill, ARC Action Alter on Economic Recovery Bill, and President Obama Agenda for Disability Concerns.

Ray Ceragioli announced that at the Fairview Developmental Center janitorial services have been turned over to persons with developmental disabilities as part of a program through the Department of Developmental Services (DDS).

The Committee requested that staff draft a letter to be sent to Terry Delgadillo at DDS acknowledging the Department's efforts to employ persons with developmental disabilities.

PUBLIC COMMENT-

None.

APPROVAL OF MINUTES-

Moved by R. Ceragioli/L. Cooley. Motioned carried. None opposed.

CALIFORNIA LEGISLATIVE UPDATE-

The Committee was joined by Eric Gelber from the Assembly Human Services Committee chaired by Assemblyman Beall and Rick Rollins a

consultant for the Association of Regional Center Agencies (ARCA) who both presented on legislation.

Eric Gelber announced that Assemblyman Beall would be authoring several bills relating to persons with developmental disabilities this year including a revised version of the State Council employment bill from last year AB 2424. E. Gelber explained that Assemblyman Beall would also be reintroducing AB 1825 the “Inter-Agency Dispute Resolution” bill, now AB 140, and Assemblywoman Evans “Stay Put” bill.

Rick Rollins shared with the Committee that ARCA are the sponsors of AB 140 and co-sponsors along with the Council and Disability Rights California on Assemblyman Beall’s employment bill. R. Rollins also explained to the Committee that ARCA is working on the implementation of their bill SB 1175 authored by Senator Steinberg which was passed into law last year. Additionally R. Rollins provided the Committee with some insight on the proposed \$334 million cut to the Regional Center System. R. Rollins explained that the cumulative impacts of these cuts equate to a \$600 million cut after the loss of federal funds and mid-year cuts. R. Rollins identified that in order for the Department to achieve these cuts it would have to:

Eliminate ALL RC funded residential care programs and supports, or;

Eliminate ALL RC funded day programs and supports, or;

Close Alta California, East Bay, and Orange Regional Centers and stop ALL programs and supports for over 27,000 current RC consumers.

The Committee requested that staff follow up with R. Rollins to get the talking points on the impact of the Regional Center Cuts.

Tho Vinh Banh shared with the Committee an updated budget handout from Disability Rights California (DRC) and explained that DRC’s highest priority is budget advocacy. T. Banh also stated that DRC would be the sponsor of the revised SB 1515 which was vetoed by Governor Schwarzenegger, a co-sponsor of Assemblyman Beall’s Employment and a bill with DREF.

2009 LEGISLATIVE PRIORITIES –

R.Knott suggested that the Committee establish a Sub-Committee to carry out the development of policy priorities. The Committee agreed to begin by focusing on Employment, Housing, and Special Education. The following members were assigned to Sub-Committees:

Employment – Lisa Cooley & Leroy Shipp

Housing –David Mulvaney & Jennifer Allen

Special Education – Max Duley, Jorge Aguilar & Marilyn Barraza

R. Knott asked that staff follow up with the Sub-Committees to provide them with examples of policy platforms from other organizations and the Sub-Committee be prepared to give an update on their progress at the March Legislative Committee meeting.

CALIFORNIA BUDGET UPDATE-

Members discussed the state budget and identified that the budget advocacy message would be:

1. Don't cut essential services, emphasis the cumulative impact of the cuts to consumers.
2. Recommend alternative revenue/cost-savings proposals.
3. If you must cut, make non-prescriptive cuts and allow stakeholders to be at the table to provide input make decisions about how the cuts will be implemented.

ADJOURNMENT -

Meeting adjourned at 3:15 PM.



Agenda Item: 7.B
Date: March 10, 2009
Meeting: Legislative Committee

Detail Sheet for: California Legislation

What is this agenda item about?

The Committee will review new legislation introduced in the 2009 legislative session and make recommendations to the Council of positions to take on Senate and Assembly bills.

What has the Council/Committee done about this so far?

The Committee will see these bills for the first time. However the Committee has previously recommended positions to the Council to support, oppose and watch legislation impacting the individuals with developmental disabilities and their families.

What needs to be decided at this meeting?

The Committee will review bills introduced in 2009 and make position recommendations to the Council.

What is the committee or staff recommendation?

Staff recommends that the Committee submit letters to the bill authors stating the Council's position and identify strategies to communicate the Council's position on controversial legislation to members of the legislature.

Are there attachments?

Yes. Brief descriptions of the bills are attached and full legislative analysis of the bills will be handed out at the Committee meeting.

California Legislation Summaries

AB 140 (Beall) – Dispute Resolutions

This bill would establish procedures for the resolution of disputes between a regional center and a generic agency, as defined, over provision of, or payment for, services that are contained in an individualized family service plan or individual program plan for any child under 6 years of age.

AB 214 (Chesbro) – Durable Medical Equipment

This bill would require a health care service plan and a health insurer to provide coverage for durable medical equipment, as defined, as part of their plan contracts or health insurance policies.

SB 92 (Aanestad) – Health Care Reform

Provisions of this bill would state the intent of the Legislature to enact legislation that would establish a pilot project that utilizes a self-directed “cash and counseling” model for providing Medi-Cal services to disabled Medi-Cal enrollees. Under a “cash and counseling” model, disabled Medi-Cal enrollees, with assistance from family members and Medi-Cal case managers, would be given an individual budget to manage and direct payment for their personal care services and enable them to determine which supportive services they want and from whom they wish to have these services delivered.

SB 110 (Liu) – Disabled Crime Victims Act

This bill would state that it is the intent of the Legislature to strongly encourage law enforcement agencies and district attorneys to develop and adopt certain training, investigation, and prosecution practices relevant to victims with disabilities in addition to other provisions.



Agenda Item: 7.C
Date: March 10, 2009
Meeting: Legislative Committee

Detail Sheet for:
Council Employment Legislation

What is this agenda item about?

The Committee will receive updates on Council sponsored employment legislation AB 287 (Beall).

What has the Committee/Council done about this so far?

Last year the Council sponsored AB 2424 (Beall) the IPP and Employment Opportunity Initiative Bill. AB 287 is a reintroduction of AB 2424 with modifications. This bill pursues that establishment of a statewide Employment First Policy for persons with developmental disabilities.

What needs to be decided at this meeting?

The Committee will receive updates on the content and status of AB 287.

What is the staff recommendation?

None at this time.

Are there attachments?

Yes, attached is the bill language for AB 287 (Beall).

ASSEMBLY BILL

No. 287

Introduced by Assembly Member Beall

February 13, 2009

An act relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 287, as introduced, Beall. Persons with developmental disabilities: employment.

Existing law, the Lanterman Developmental Disabilities Services Act, grants persons with developmental disabilities the right to receive services and supports to meet their needs. Existing law requires that the State Department of Developmental Services contract with private nonprofit corporations for the operation of regional centers to obtain services and supports for an individual with a developmental disability in accordance with his or her Individual Program Plan (IPP).

This bill would state the intent of the Legislature to enact legislation that would result in a significant increase in the number of individuals with developmental disabilities who engage in gainful employment, including integrated employment.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation that would result in a significant increase in the number

- 1 of individuals with developmental disabilities who engage in
- 2 gainful employment, including integrated employment.

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Agenda Item: 7.D
Date: March 10, 2009
Meeting: Legislative Committee

Detail Sheet for:
California State Budget Update

What is this agenda item about?

The Committee will receive updates on the status and content of budget proposals introduced by the Legislature and Administration to close the State's \$42 billion budget deficit.

What has the Committee/Council done about this so far?

The Committee has opposed proposals with in the 2009-10 budget that negatively impact persons with developmental disabilities and met with members of the Legislature to advocate for the continuation essential services and supports and proposed alternative budget solutions to minimize the cuts to the developmental disabilities system.

What needs to be decided at this meeting?

The Committee will review the newest developments on the proposed 2009-10 budget solutions and recommend any necessary actions to the Council for consideration.

What is the staff recommendation?

None at this time.

Are there attachments?

No. Handouts of the enacted budget items will be available at the meeting.



Agenda Item: 7.E
Date: March 10, 2009
Meeting: Legislative Committee

Detail Sheet for:
Federal Policy Update

What is this agenda item about?

The Committee will hear an update from Alan Kerzin, State Council Executive Director, on the American Recovery and Reinvestment Act of 2009 that was signed into law by President Barack Obama on February 17, 2009 and other federal initiatives.

What has the Council/Committee done about this so far?

The Committee heard an update on the status and content of the American Recovery and Reinvestment Act of 2009 from Alan Kerzin at the January Legislative Committee meeting.

What needs to be decided at this meeting?

The agenda item is for information only.

What is the committee or staff recommendation?

Staff recommends that the Council should begin immediately to work local and state governments and other entities to assure that individuals with developmental disabilities and service agencies receive a fair share of this emergency funding.

Are there attachments?

Yes, attached is a handout from the Disability Policy Collaborative of disability related provisions included in the American Recovery and Reinvestment Act of 2009.

NEWS & INFORMATION

***Updated* February 18, 2009**

The American Recovery and Reinvestment Act (ARRA): Disability-related Provisions

The ARRA moved extremely quickly through Congress. The final Bill contains \$787 billion in tax cuts and program funding. Most of the funding is intended to grow and protect jobs.

What is the Status of the Legislation?

Jan 28 - passed by House by a vote of [244-188](#)

Feb 10 - passed by Senate by a vote of [61-37](#)

Feb 11 - the Senate - House Conference Committee resolved the differences between the two bills.

Feb 13 – the House passed the conference bill by a vote of [246-183](#) and the Senate passed it by a vote of [60-38](#).

Feb 17 - President Obama signed the bill into law.

What are the Major Disability-related Provisions and their Funding Levels?

The following is a list of disability specific programs and the amount of increased spending they will receive from the time the bill is enacted through 2010:

HEALTH

- Medicaid: An \$87 billion increase in the Federal government's share of Medicaid spending (FMAP) which runs from October 1, 2008 to December 31, 2010. Sixty-five per cent of the funds will be given to all states. Thirty-five per cent will be used for additional payments (in the form of a decrease in a state's match) for states with high unemployment rates. Each state will receive a "base" 6.2% increase. A state specific analysis can be accessed at <http://www.cbpp.org/2-13-09sfp.htm>. There is a "maintenance of effort" requirement which prohibits states from changing eligibility. However there is NO maintenance of effort provision for benefits or services. Therefore it is critical for affiliates and chapters to meet with their State MR/DD and Medicaid agencies, their Governor's office, and State Legislature immediately to urge them to use this increased funding for disability services. The Act extends a moratoria on

Medicaid regulations which are in "final" form (i.e. the school based services/transportation, the targeted case management, and the outpatient rules) from April 1 through June 30, 2009. The bill also contains a "Sense of the Congress" that the Secretary of the Department of Health and Human Services shall not publish any pending Medicaid rule (including the rehabilitative services option proposed rule) in final form. COBRA: 65% premium subsidy for 9 months. Health Information Technology: \$19 billion to jumpstart computerized health records. Prevention and Wellness: \$1 billion to prevent chronic diseases and to increase immunization programs. Lead-Based Paint Removal: \$100 million - competitive grants to localities and nonprofits to remove lead paint in low income housing

- NIH Biomedical Research: \$10 billion for increased research.

EDUCATION

- Special Education: \$11.3 billion for the IDEA State Grant Program and \$500 million for the IDEA Part C Early Intervention Program. \$400 million for the pre-school program.

SOCIAL SECURITY

- SSI: A one-time emergency payment of \$250 to people who receive Supplemental Security Income (SSI), Social Security, disabled veterans, and other selected benefits. SSA Disability Backlog and Claims: \$500 million to help the Social Security Administration reduce the processing time for claims and appeals decisions
- SSA Modernization: \$500 million to replace the antiquated National Computer Center.

EMPLOYMENT

- Vocational Rehabilitation: \$540 million for VR State Grant. Unemployment Insurance: Funding is provided to modernize the unemployment compensation program, to add \$25 to the weekly benefit, to continue the current up to 33 weeks of extended benefits through December 31, 2009 and to temporarily suspend federal income tax on the first \$2,400 of unemployment benefits per recipient for 2009.
- Job Training: \$500 million for adult, \$1.2 billion for youth services.

INDEPENDENT LIVING

- Centers for Independent Living: \$140 million to assist people with disabilities to live in their communities.

HOUSING

- Public Housing Capital Fund: \$4 billion for building repair and modernization \$250 million for a new program to fund energy retrofits of Section 811 Supportive Housing for Persons with Disabilities, Section 202 for the Elderly and Project Based Section 8 units to make them for energy efficient. HUD will

publish a Notice of Funding Availability shortly announcing details of the program. HOME Investment Partnerships: \$2.25 billion with \$2 billion targeted to fill gaps in approved Low Income Housing Tax Credit projects and jump start these stalled projects. Community Development Block Grant: \$1 billion to support housing and services to help hard pressed localities. Community Services Block Grant: \$1 billion for housing, food, employment and healthcare to serve areas hardest hit by the recession. Low-Income Energy Assistance: Not Funded. Neighborhood Stabilization: \$2 billion for communities to purchase and rehabilitate foreclosed, vacant properties to create more affordable housing.

- Home Weatherization: \$5 billion to weatherize homes of low income households to reduce energy costs.

CHILD CARE and HEAD START

- Child Care Development Block Grant: \$2 billion to serve an additional 300,000 children in low income working families. \$93.6 million is targeted to improve infant and toddler care.
- Head Start: \$2.1 billion to provide services to 110,000 additional children.

For more information, click the links below (note: each of these documents are extremely lengthy):

- [American Recovery and Reinvestment Act of 2009](#)
- [Conference report 111-16](#)

The DPC will develop more materials on the ARRA. Many questions remain, such as when will the funding be released and how much of the new funding will be subject to regulation or other procedures.



Agenda Item: 7.F
Date: March 10, 2009
Meeting: Legislative Committee

Detail Sheet for:
Policy Sub-Committee Update

What is this agenda item about?

The Committee will hear an updates from the Policy Sub-Committees on Employment, Housing and Special Education.

What has the Council/Committee done about this so far?

At the January 2009 meeting the Legislative Committee established Policy Sub-committees to further develop the Council's policy priorities. The Policy Sub-committees are responsible for formulating policy platform ideas on the existing legislative policy priorities and new policy issues of interest for the full Legislative Committee to consider and recommend to the Council.

What needs to be decided at this meeting?

The agenda item is for information only.

What is the committee or staff recommendation?

None at this time.

Are there attachments?

No.



Agenda Item: 8
Date: March 10, 2009
Meeting: Legislative Committee

Detail Sheet for:
Presentation – “Preparing for a Legislative Visit”

What is this agenda item about?

The Committee will have a panel presentation from invited Capitol Staff on how to effectively prepare for legislative visits.

What has the Council/Committee done about this so far?

The Committee will hear this information for the first time.

What needs to be decided at this meeting?

The agenda item is for information only.

What is the committee or staff recommendation?

None at this time.

Are there attachments?

No.